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## DECLARATION OF PATENT APPLICATION

Docket No. BLP:101(a) US

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

## SPECTRAL CATALYSTS

the specification of which:

check one ☐ is attached hereto.

☒

was filed on

December 13, 1999

as Application Serial No.

09/460,025

and was amended on

if applicable.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

## PRIOR FOREIGN APPLICATIONS

SERIAL NUMBER	COUNTRY	DAY/MONTH/YEAR FILED	PRIORITY CLAIMED (Y/N)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NO.	FILING DATE	STATUS - PATENTED, PENDING, ABANDONED
09/098,883	June 17, 1998	Patented

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: **MARIANNE FUERER**, Reg. No.: 39983, **HOWARD M. ELLIS**, Reg. No. 25856

Address all telephone calls to: **MARIANNE FUERER**, telephone no. (716) 689-8837

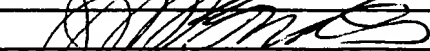
Address all correspondence to: **HOWARD M. ELLIS**, 200 John James Audubon Parkway, Suite 104, Amherst, NY 14228

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of sole or first inventor:

JULIANA H. BROOKS

Inventor's Signature



Date:

June 12, 2000

Residence

5689 Walnut View Blvd., Columbus, OH 43230

Citizenship:

USA

Post Office Address

same as above

Full Name of second joint inventor (if any):

BENTLEY J. BLUM

Inventor's Signature



Date:

June 13, 2000

Residence

920 Park Ave., New York, New York 10028

Citizenship:

USA

Post Office Address

## ASSIGNMENT OF INVENTION

WHEREAS, I, JULIANA H. J. BROOKS residing at 5689 Walnut View Boulevard, Columbus, Ohio 43230 have invented certain new and useful improvements in a:

### **SPECTRAL CATALYST**

for which I filed a provisional application under 37 CFR 1.53(b)(2) in the United States Patent and Trademark Office on June 18, 1997, which was assigned Serial No. 60/049910

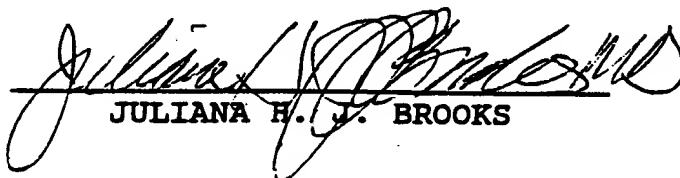
AND WHEREAS, BERKSHIRE LABORATORIES, INCORPORATED, a corporation of the State of Delaware, having a business address of 5689 Walnut View Boulevard, Columbus, Ohio 43230, is desirous of acquiring all interest in said invention, and application.

NOW THIS INDENTURE WITNESSETH, that for the sum of One Dollar, and other valuable consideration to me in hand paid, the receipt whereof is hereby acknowledged, I hereby assign, sell and transfer unto the said BERKSHIRE LABORATORIES, INCORPORATED the entire right, title and interest in said invention, said application, including any additional provisional applications disclosing the contents of Serial No. 60/049910, any continuations thereof, and in and to any and all priority rights, convention rights, and other benefits accruing or to accrue to me with respect to the filing of applications for patents or securing of patents in the United States and countries foreign thereto.

I further agree to execute all necessary and lawful future documents, including assignments in favor of BERKSHIRE LABORATORIES, INCORPORATED or its designee as BERKSHIRE

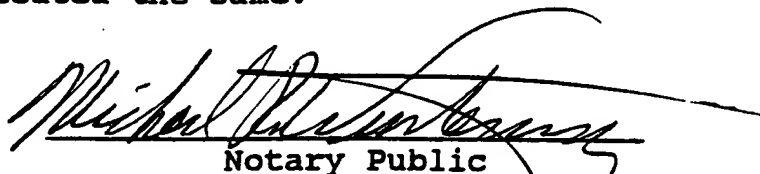
LABORATORIES, INCORPORATED or its assignee may from time-to-time present to me in order to perfect title in said invention, modifications and improvements in said invention, applications and Letters Patent of the United States and countries foreign thereto.

And I further agree to sign and properly execute such necessary and lawful papers for application for foreign patents, for filing subdivisions of said application for patent, and or, for obtaining any reissue or reissues of any future Letters Patent which may be granted for our aforesaid invention, as the assignee thereof shall hereafter require and prepare at its own expense.

  
JULIANA H. J. BROOKS

STATE OF OHIO                    )  
  )   ss.  
COUNTY OF FRANKLIN        )

On this 25<sup>th</sup> day of September in the year of 1997, before me, JULIANA H. J. BROOKS personally appeared and to me known to be the person described in and who executed the foregoing instrument, and who acknowledged that she executed the same.

  
Notary Public

Michael R. Wintering, Attorney-At-Law  
NOTARY PUBLIC - STATE OF OHIO  
My commission has no expiration date.  
Section 147.03 R. C.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**POWER OF ATTORNEY**

Docket No.

**BLP:101(a) US**

Name of Applicant: **Juliana H. J. Brooks**  
Address of Applicant: **5689 Walnut View Boulevard**  
**Columbus, OH 43230**

Title: **SPECTRAL CATALYSTS**

Serial No., if Any: **09/460,025**  
Filed: **12/13/99**

TO THE ASSISTANT COMMISSIONER FOR PATENTS

The Assistant Commissioner for Patents  
Washington, D.C. 20231

Honorable Sir:  
I hereby appoint:

**Mark G. Mortenson**  
**Registration Number: 31,182**

as principal attorney, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

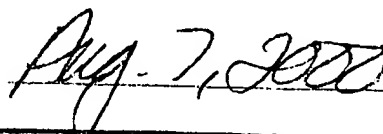
Please direct all future correspondence to:

**Mr. Mark G. Mortenson**  
**The Law Offices of Mark G. Mortenson**  
**Post Office Box 310**  
**North East, MD 21901-0310**

By:

  
**Juliana H. J. Brooks**  
**President, Berkshire Laboratories, Inc.**

Dated:



**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) & 1.27(c)) - SMALL BUSINESS CONCERN**

Attorney Docket No. BLP: 101 US

Applicant or Patentee: JULIANA H. J. BROOKS

Serial or Patent No.: \_\_\_\_\_

Filed or Issued: \_\_\_\_\_

Title: SPECTRAL CATALYSTS

**EXPRESS MAIL MAILING**

I hereby declare that I am:

**LABEL NO. EI33148162345**

☐ the owner of the small business concern identified below;

☒ an official of the small business concern empowered to act on behalf of the concern identified below;

NAME OF SMALL BUSINESS CONCERN BERKSHIRE LABORATORIES, INC.

ADDRESS OF SMALL BUSINESS CONCERN 5689 WALNUT VIEW BLVD., COLUMBUS, OH 43230

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

☒ the specification filed herewith with title as listed above.

☐ the application identified above

☐ the patent identified above

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

☒ no such person, concern or organization exists.

☐ each such person, concern or organization is listed below.

Separate verified statements are required from each person, concern or organization having rights to the invention averring to their status as small entities (37 CFR 1.27).

I acknowledge the duty to file, in this application or patent, notification of my change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: JULIANA H. J. BROOKS

TITLE OF PERSON IF OTHER THAN OWNER: PRESIDENT

ADDRESS OF PERSON SIGNING: 5689 WALNUT VIEW BLVD., COLUMBUS, OHIO 43230

SIGNATURE: 

DATE: June 16, 1998

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**CERTIFICATE UNDER 37 CFR 3.73(b)**Applicant: Juliana H.J. BrooksApplication No.: 09/460,025 Filed: 12/13/99Entitled: SPECTRAL CATALYSTSBerkshire Laboratories, a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 8741, Frame 0758, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_

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Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

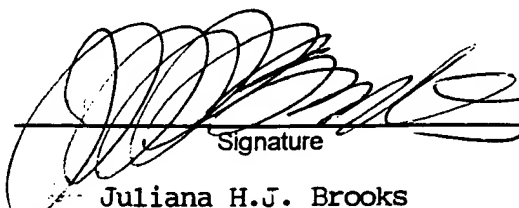
3. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.☐ Additional documents in the chain of title are listed on a supplemental sheet.☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

June 12, 2000  
Date  
SignatureJuliana H.J. Brooks

Typed or printed name

President

Title